

Appl. No. : 10/031,913  
Filed : May 21, 2002

### REMARKS

In response to the Office Action mailed October 4, 2004, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 18-28 remain pending. Claims 13-17 and 29-53 have been canceled, without prejudice or disclaimer, and Claims 1-12 and 54-72 were canceled by a previous amendment. New Claims 73-81 have been added.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined.

#### Claims 18-28 Are Allowable Over The Prior Art Of Record

Claims 18-20, 22, 25 and 26 presently stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wang. Claims 18-27 presently stand rejected under 35 U.S.C. § 102(e) as being anticipated by Martin et al. Claim 28 presently stands rejected under 35 U.S.C. § 103(a) as being unpatentable over either Wang or Martin et al. Applicants respectfully submit that the catheters of Claims 18-28 as amended herein are allowable over the Wang and Martin et al. references and respectfully request reconsideration and withdrawal of the present rejection.

Each of the Wang and Martin et al. references disclose a catheter that define multiple lumens. Specifically, each of the references disclose a unitary catheter body including first and second coaxial tubes. In the Wang reference, each of the first and second tubes define exit holes. Fluid flows from the lumen of the inner tube to the lumen defined between the first and second tubes and finally exits the catheter through the exit holes of the outer tube. The location and spacing of the exit holes between the inner tube and the outer tube permit some degree of flow control.

In the Martin et al. reference, the inner tube has a solid wall and the external tube defines exit holes. The catheter of Martin et al. includes a septum that divides the lumen between the inner and outer tubes into two distinct channels. One channel is an extraction lumen and one channel is a return lumen. *See Column 5, lines 37-43.*

In contrast, Claim 18 recites a catheter including, among other limitations, an elongated support constructed from a first material and a porous membrane wrapped around the support. The membrane is a separate member from the support and is constructed from a second material that is different than the first material. By providing the support and membrane as separate

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members, each can be constructed from a suitable material to enhance its desired characteristics or properties. For example, the support may be configured to have properties advantageous to the insertion or retraction of the catheter, while the membrane may be configured to have desirable fluid flow properties.

Each of the catheters of Wang and Martin et al. are of a unitary construction including a single material. Accordingly, for at least this reason, Claim 18 is allowable over the Wang and Martin et al. references. Claims 19-28 depend from allowable Claim 18. Claims 19-28 are allowable not only because they depend from an allowable claim, but upon their own merit as well. Accordingly, reconsideration and withdrawal of the present rejection of Claims 18-28 is respectfully requested.

**New Claims 73-81 Are Allowable**

New Claims 73-81 have been added and are fully supported by the application as filed. Applicants respectfully submit that these claims are allowable over the prior art of record and respectfully request consideration and allowance of the same.

**CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

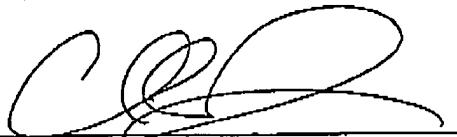
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Curtiss C. Dosier at (949) 721-7613 (direct line), to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP



Dated: JANUARY 3, 2005

By:

Curtiss C. Dosier  
Registration No. 46,670  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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